

Item # _____

Prepared by: Gloria Kelly
Real Estate Services

Commissioner _____

Approved by: Lisa Kelly
County Attorney

A RESOLUTION APPROVING THE CONVEYANCE OF AN UNIMPROVED PARCEL OF COUNTY OWNED DELINQUENT TAX PROPERTY, 58,806 SQUARE FEET (1.35 ACRES), MORE OR LESS, IN SIZE, LOCATED ON THE EAST SIDE OF INTERSTATE HIGHWAY I-40, APPROXIMATELY 200 FEET SOUTH OF CHELSEA AVENUE, JOINTLY TO THE CITY OF MEMPHIS AND COUNTY OF SHELBY, FOR NOMINAL CONSIDERATION; AND TO AUTHORIZE THE MAYOR TO EXECUTE A QUIT CLAIM DEED CONVEYING SAID PARCEL JOINTLY TO THE CITY OF MEMPHIS AND COUNTY OF SHELBY FOR USE IN CONJUNCTION WITH THE CYPRESS CREEK STORM WATER MANAGEMENT SYSTEM AS A FLOOD/DRAINAGE CONTROL AREA.

SPONSORED BY: COMMISSIONER GEORGE S. FLINN, JR.

WHEREAS, In 2007, Shelby County acquired an unimproved parcel of Delinquent Tax Property, 58,806 square feet (1.35 acres), more or less, in size, located on the east side of Interstate Highway I-40 (previously known as I-240), approximately 200 feet south of Chelsea Avenue, in Tax Sale No. 0402, and further identified as Tax Parcel Number 02106800000040; and

WHEREAS, The City and County Administrations have determined that this parcel of Delinquent Tax Property is needed by the City of Memphis and County of Shelby for public use in conjunction with the Cypress Creek storm water management system as a flood/drainage control area; and

WHEREAS, In order to use this parcel for said public purpose it must be conveyed jointly to the City of Memphis and County of Shelby, for nominal consideration, which parcel of Delinquent Tax Property being more particularly described in the attached Quit Claim Deed, which is hereby incorporated by reference; and

WHEREAS, T.C.A. §67-5-2509(d) allows Shelby County to transfer real property acquired in a tax sale to any other governmental entity for nominal consideration, so long as the property will be used for a public use and purpose; and

WHEREAS, It is deemed to be in the best interest of Shelby County to convey said parcel of Delinquent Tax Property, 58,806 square feet (1.35 acres), more or less, in size, jointly to the City of Memphis and County of Shelby, for nominal consideration, for use in conjunction with the Cypress Creek storm water management system as a flood/drainage control area.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the aforementioned Delinquent Tax Property conveyance jointly to the City of Memphis and County of Shelby, for nominal consideration, be and the same is hereby approved; and that the Mayor be and he is authorized to execute the attached Quit Claim Deed Document affecting the same.

A C Wharton, Jr., County Mayor

Date: _____

ATTEST:

Clerk of County Commission

ADOPTED _____

SUMMARY SHEET

I. Description of Item

A RESOLUTION APPROVING THE CONVEYANCE OF AN UNIMPROVED PARCEL OF COUNTY OWNED DELINQUENT TAX PROPERTY, 58,806 SQUARE FEET (1.35 ACRES), MORE OR LESS, IN SIZE, LOCATED ON THE EAST SIDE OF INTERSTATE HIGHWAY I-40, APPROXIMATELY 200 FEET SOUTH OF CHELSEA AVENUE, JOINTLY TO THE CITY OF MEMPHIS AND COUNTY OF SHELBY, FOR NOMINAL CONSIDERATION; AND TO AUTHORIZE THE MAYOR TO EXECUTE A QUIT CLAIM DEED CONVEYING SAID PARCEL JOINTLY TO THE CITY OF MEMPHIS AND COUNTY OF SHELBY FOR USE IN CONJUNCTION WITH THE CYPRESS CREEK STORM WATER MANAGEMENT SYSTEM AS A FLOOD/DRAINAGE CONTROL AREA. THIS PARCEL WAS ACQUIRED BY THE COUNTY IN TAX SALE NO. 0402, AND FURTHER IDENTIFIED AS TAX PARCEL NUMBER 02106800000040.

II. Source and Amount of Funding

No county funds required...

III. Contract Items

Quit Claim Deed

IV. Additional Information Relevant to Approval of this Item

This is an unimproved parcel of County owned Delinquent Tax Property, approximately 1.35 acres in size, located on the east side of Interstate Highway I-40, approximately 200 feet south of Chelsea Avenue, and is further identified as Tax Parcel Number 02106800000040. It was acquired by the County in Tax Sale No. 0402 in 2007 for outstanding taxes, penalties and interest in the amount of \$2,562.45. It is landlocked and adjoins many other properties jointly owned by the City & County that make up the Cypress Creek storm water management system. Upon review of this parcel, it has been determined that it is needed by the City of Memphis and County of Shelby for public use in conjunction with the Cypress Creek storm water management system as a flood/drainage control area. The County may transfer County owned Delinquent Tax Property to another Governmental Entity for nominal consideration if the property is to be used for a public purpose. Since the adjoining properties are all jointly owned by the City & County, the benefits of joint ownership can best be realized by having the ownership of this parcel the same as all the other properties. Therefore, it is hereby recommended by the Administration that this Delinquent Tax Property conveyance be approved.

QUIT CLAIM DEED

THIS INDENTURE, made and entered into this _____ day of _____, 2008, by and between the **County of Shelby, a Political Subdivision of the State of Tennessee**, (hereinafter referred to as "**Grantor**"), and the **City of Memphis, a municipal corporation organized under the laws of the State of Tennessee**, and the **County of Shelby, a corporation and body politic, organized and chartered under the laws of Tennessee for the purpose of local government of the territory embraced therein** (hereinafter referred to as "**Grantees**").

WITNESSETH: That for and in consideration of TEN AND NO/100 DOLLARS (\$10.00), cash in hand paid and other good and valuable considerations, the receipt and sufficiency of all of which is hereby acknowledged, **Grantor** has bargained and sold and does hereby bargain, sell, remise, release, convey and forever quitclaim unto **Grantees** all of its right, title and interest in and to the following described real estate, situated and being in the City of Memphis, County of Shelby, State of Tennessee, to-wit:

A parcel of land acquired by the Commissioners of Shelby County as described in Chancery Court Cause T.R.D. No. 9478-2, Exhibit #1341, County Tax Sale #0402 and being more particularly described as follows:

Being part of the Albert P. Colby property as recorded and described in Book 1357, Page 366, Shelby County Register's Office, and more particularly described as follows

Beginning at a point in the east right of way line of Interstate Highway I-240, at the northwest corner of the tract conveyed by Albert P. Colby and Mary Colby to the City of Memphis by deed of record in Book 1675, Page 41, Parcel K, Shelby County Register's Office; and running thence southwardly along the east right of way line of Interstate Highway I-240 a distance of 201.98 feet to an angle point in said right of way; thence southwardly continuing along said east right of way line by an interior angle of 187 degrees 48 minutes a distance of 159.25 feet to an intersection with the west line of the Albert P. Colby tract; thence southwardly along said west line by an interior angle of 148 degrees 33 minutes a distance of 38.99 feet to a point in the north line of Daisy Avenue (not open); thence eastwardly along the north line of Daisy Avenue by an Interior angle of 115 degrees 11 minutes a distance of 265 feet to the southwest corner of the City of Memphis tract; thence northwardly along the west line of the City of Memphis tract by an interior angle of 55 degrees 43 minutes a measured distance of 478.65 feet (deed call 450 feet more or less) to the point of beginning.

Being the same property described Warranty Deed of Record in the Register's Office of Shelby County, Tennessee, in the Register's Official Record Book under Instrument Number J2 4559.

Containing 58,806 square feet (1.35 acres), more or less.

Tax Parcel No. 02106800000040

Grantor makes no claim or warranty relative to the environmental condition of the hereinabove described property being conveyed. Conveyance of the above described property is made without warranties of any kind, whatsoever.

This conveyance is subject to acceptance by **Grantees**, which acceptance being expressly acknowledged herein by the approval of the proper Officials as evidenced by their signatures herein below.

IN WITNESS WHEREOF, **Grantor** has caused this instrument to be executed by the affixing thereto of the signature of the Mayor of the County of Shelby, the said Mayor being authorized so to do pursuant to Section 4.03-18 of Chapter 260 of the Private Acts of 1974 in accordance with the approval of the Shelby County Board of Commissioners, on the ____ day of _____, 2008 in Resolution # ____.

Grantor: County of Shelby

By: _____
A C Wharton, Jr., County Mayor

By: _____
Paul Matilla, Trustee

Approved as to Form:

By: _____
Assistant County Attorney/
Contract Administrator

Grantees: City of Memphis and County of Shelby

CITY OF MEMPHIS, TENNESSEE

By: _____
Dr. Willie W. Herenton, City Mayor

Approved as to Form:

By: _____
City Attorney

Other City Approvals:

By: _____
Director of General Services

By: _____
City Real Estate Manager

SHELBY COUNTY, TENNESSEE

By: _____
A C Wharton, Jr., County Mayor

Approved as to Form:

By: _____
Assistant County Attorney/
Contract Administrator

Other County Approvals:

By: _____
Land Bank Administrator

By: _____
County Real Estate Manager

**STATE OF TENNESSEE
COUNTY OF SHELBY**

Before me, the undersigned, a Notary Public within and for said State and County, duly commissioned and qualified, personally appeared **A C WHARTON, JR., Mayor of the County of Shelby**, with whom I am personally acquainted, and who upon oath acknowledged himself to be the **Mayor of the County of Shelby**, the within named bargainor, one of the counties of the State of Tennessee, and that he as such **Mayor** of said county, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of Shelby County by himself as such **Mayor** of said County of Shelby.

WITNESS my hand and Notarial Seal, at office in Memphis, in the County aforesaid, this ____ day of _____, 2008.

Notary Public

MY COMMISSION EXPIRES:

**STATE OF TENNESSEE
COUNTY OF SHELBY**

Before me, the undersigned, a Notary Public within and for said State and County, duly commissioned and qualified, personally appeared **PAUL MATILLA, Trustee of the County of Shelby**, with whom I am personally acquainted, and who upon oath acknowledged himself to be the **Trustee of the County of Shelby**, and that he as such **Trustee**, being authorized so to do, executed the foregoing instrument for the purposes therein contained.

WITNESS my hand and Notarial Seal, at office in Memphis, in the County aforesaid, this ____ day of _____, 2008.

Notary Public

MY COMMISSION EXPIRES:

**STATE OF TENNESSEE
COUNTY OF SHELBY**

Before me, the undersigned, a Notary Public within and for said State and County, duly commissioned and qualified, personally appeared **DR. W. W. HERENTON**, with whom I am personally acquainted, and who upon oath acknowledged himself to be the **Mayor of the City of Memphis**, the within named bargainor, and that he as such **Mayor**, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the **City of Memphis**, by himself as such **Mayor**.

WITNESS my hand and Notarial Seal, at office in Memphis, in the County aforesaid, this ____ day of _____, 2008.

Notary Public

MY COMMISSION EXPIRES:

(FOR RECORDING DATA ONLY)

Property Address:

**0 Daisy Avenue (not open)
(Vacant Land)**

Tax Parcel No:

02106800000040

Mail Tax Bills to: (Person or Agency
responsible for payment of taxes)

Exempt - Government

Owners Name and Address:

**City of Memphis and County of Shelby
584 Adams Ave.
Memphis, TN 38103**

This instrument prepared by:

**Shelby County Government
Real Estate Services
584 Adams Ave.
Memphis, TN 38103
Phone No. (901) 545-3498**

0 Daisy Avenue
Tax Parcel No. 02106800000040

Subject

